

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LETONIO C. SWADER

v.

JIM MORROW, WARDEN

)

No. 3:10-cv- 00465
WILLIAM J. HAYNES, JR.
U.S. District Court Judge

ON FILE
TENN. DIST. ATTORNEY
RECORDED
Respondent has
20 days to
file a
response

MOTION REQUESTING THIS COURT TO ORDER RESPONDENT
TO ANSWER PETITIONER'S AMENDED PETITION

Comes the Petitioner, LeTonio Swader, and moves this Court, under Habeas Rule 4, to order the Respondent to file an answer to Mr. Swader's amended habeas corpus petition.

On May 13, 2010, Mr. Swader filed a pro se habeas corpus petition. (D.E. 1). On August 17, 2010, the Federal Public Defender was appointed to represent Mr. Swader and ordered to file an amended petition, if necessary. (D.E. 20). Mr. Swader then filed an amended petition on November 12, 2010. (D.E. 28). Respondent has not been ordered to respond to the pro se petition or the amended petition and nothing further has been filed or ordered.

Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts requires that, following the Court's initial review of a habeas petition, if the "petition is not dismissed, the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order."

Accordingly, Mr. Swader respectfully requests that this Court order Respondent to file a response to the amended petition within an amount of time the Court deems appropriate.